

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

GREGORY KENNETH LEE,

Plaintiff,

v.

WARDEN HOPE, *et al.*,

Defendants.

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Case No. 2:07-cv-0795-WKW

ORDER

On September 7, 2007, the Magistrate Judge filed a Recommendation (Doc. # 3) in this case to which no timely objections were filed. The plaintiff's motion for leave to proceed *in forma pauperis* was denied pursuant to 28 U.S.C. § 1915(g) as a result of his having civil actions dismissed as frivolous on at least three prior occasions. Upon an independent review of the file in this case and upon consideration of the Recommendation of the Magistrate Judge, it is ORDERED that:

1. The Report and Recommendation (Doc. # 3) is ADOPTED;
2. Because the plaintiff did not pay the required filing fee at the time his suit was initiated, his 42 U.S.C. § 1983 claim is DISMISSED;
3. This case is DISMISSED WITHOUT PREJUDICE, meaning the plaintiff may file his complaint again within the time allowed by the applicable statute of limitation if he pays the required filing fee at the time he initiates the suit again.

An appropriate judgment will be entered.

Done this 26th day of September 2007.

/s/ W. Keith Watkins

UNITED STATES DISTRICT JUDGE